THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 893 of 2006

DATED: 17-01-2006

Between:

Prema Samuel

..... PETITIONER

AND

The Commissioner, Kakinada Municipal Corporation, Kakinada, East Godavari District.

.....RESPONDENT

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.893 OF 2006

ORDER:

It is stated that the petitioner is the owner of the house bearing D.No.22-3-1/1 situated at Kakinada Municipal Corporation and the portion of the said property is sought to be demolished for the purpose of widening the road. It is further stated that she has not encroached any land belonging to the respondent and she has constructed the house in her own land. While so, the respondent is asking the petitioner to surrender the portion of the property for

the purpose of widening the road, as the Kakinada Municipal Corporation decided to widen it. It is stated that the petitioner is not against the widening of the road, but her only grievance is that without following due procedure prescribed under law, she cannot be deprived of her property.

It is always open for the respondent to acquire the land/immovable property by way of an agreement under Section 146 of the Hyderabad Municipal Corporation Act, and if no such agreement is arrived at, they can acquire the land in accordance with Section 147 of the Hyderabad Municipal Corporation Act, which is also applicable to the Kakinada Municipal Corporation.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent not to demolish the structures or take away any portion of the property of the petitioner without following due procedure prescribed under Sections 146 and 147 of the Hyderabad Municipal Corporation Act. No order as to costs.

17th January, 2006

SKM